

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ella Mintz	Team: Squad #1	CCRB Case #: 201710548	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 12/22/2017 1:02 AM	Location of Incident: [REDACTED]	Precinct: 40	18 Mo. SOL 6/22/2019	EO SOL 6/22/2019	
Date/Time CV Reported Fri, 12/22/2017 1:39 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 12/22/2017 1:39 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. An officer			PSA 7
2. LT Eric Dym	00000	933762	PSA 7

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Adam Cordero	19959	958435	PSA 7
2. SGT Natalie Bautista	01127	926408	PSA 7

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Abuse: An officer stopped § 87(2)(b) [REDACTED]	[REDACTED]
B.LT Eric Dym	Abuse: Lieutenant Eric Dym frisked § 87(2)(b) [REDACTED]	[REDACTED]
C.LT Eric Dym	Abuse: Lieutenant Eric Dym searched § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

§ 87(2)(b) filed this complaint on December 22, 2017 via the CCRB's website.

On December 22, 2017 at approximately 1:02AM, § 87(2)(b) walked to § 87(2)(b) in the Bronx, where he encountered his friends, § 87(2)(b) and "Young." An unmarked vehicle pulled over and three officers, including Police Officer Adam Cordero and Lieutenant Eric Dym, both of PSA7, exited the vehicle. An officer stopped § 87(2)(b) (**Allegation A: Abuse of Authority:** § 87(2)(g)). Lt. Dym then allegedly frisked and searched § 87(2)(b) (**Allegations B and C: Abuse of Authority:** § 87(2)(g)). § 87(2)(b) was not arrested or summonsed. There is no video footage available of this incident. An attorney was consulted for this case.

Findings and Recommendations

Allegation A-Abuse of Authority: An officer stopped § 87(2)(b)

Allegation B- Abuse of Authority: Lieutenant Eric Dym frisked § 87(2)(b)

Allegation C- Abuse of Authority: Lieutenant Eric Dym searched § 87(2)(b)

§ 87(2)(b) alleged that he was standing in front of the building speaking with § 87(2)(b) and § 87(2)(b) when he saw an unmarked black sedan (Board Review 01). PO Cordero, a uniformed Hispanic female officer, and Lt. Dym, exited the vehicle. Lt. Dym told § 87(2)(b) to put his hands up and then proceeded to frisk and search him, going inside his jacket pockets. At this point, § 87(2)(b)'s friend, § 87(2)(b) who lives in the building came outside and told the officers that § 87(2)(b) was there to see her. While searching § 87(2)(b) Lt. Dym told him that he matched the description of a suspect in a robbery. Lt. Dym asked § 87(2)(b) for his ID, which he provided. Lt. Dym then handed the ID back to § 87(2)(b) and the officers left the location.

§ 87(2)(b) refused to provide any further contact information for § 87(2)(b) and § 87(2)(b). § 87(2)(b) was uncooperative in providing a statement (Board Review 02).

Lt. Dym and PO Cordero were assigned to work conditions on that night. Neither Lt. Dym nor PO Cordero had any independent recollection of this incident (Board Reviews 03 and 04). Both officers testified that at the time of the incident, they were issuing open container violation summonses at § 87(2)(b) § 87(2)(b), which according to Google Maps, is .7 miles away from the incident location. Lt. Dym's wrote in his memo book that the summonses were issued at 1:15AM (Board Review 05). PO Cordero wrote in his memo book that the males who were issued the summonses were stopped at 1:00AM and that the summonses were issued at 1:05AM (Board Review 06). Neither officer recalled being at the incident location. The officers testified that they were not working with any other officers that night apart from each other. Neither officer recognized § 87(2)(b) from a photo taken of him at the CCRB. Neither officer recalled Lt. Dym frisking or searching any individual on that night. Neither officer recalled what they did after issuing the summonses.

PO Cordero testified that he was aware that at roll call, he was told that the conditions team was going to be addressing a robbery pattern by the § 87(2)(b) § 87(2)(b) although he could not give any more details about the pattern. PO Cordero did not have any descriptions of any robbery suspects and was not looking for anyone in particular. Prior to issuing

the summons at 1:05AM, PO Cordero believed that he was in the area of the § 87(2)(b) but was not sure.

Lt. Dym testified that on December 22, 2017, he told his conditions team to place emphasis on conditions near the § 87(2)(b). There was a robbery condition in the § 87(2)(b) development. Addressing a robbery condition means to conduct surveillance and to look for suspects and victims of robberies. There was a robbery somewhere on 146th Street and a robbery on Brook Avenue. Lt. Dym did not recall the dates of the robberies. Lt. Dym did not recall looking for any robbery suspects on this day. Lt. Dym had descriptions of robbery suspects but he did not recall what those descriptions were. Those descriptions would have been documented in complaint reports. Lt. Dym did not know what complaint reports he had on hand on December 22, 2017. There was also a continuing narcotics issue at § 87(2)(b), which is part of the § 87(2)(b) Houses. Lt. Dym stated that it was “possible” that he saw § 87(2)(b) that night and that he just did not remember it. Lt. Dym had no memory of stopping any individual prior to issuing the summonses at 1:15AM. Lt. Dym did not recall seeing anyone who matched a description of someone in a robbery.

§ 87(2)(b) described the uniformed Hispanic female officer as in her early 30s, 5’9”-5’10”, 150 lbs, average build, with black hair. Sgt. Natalie Bautista, the only female on the conditions team according to the roll call, is § 87(2)(b) years old, 5’8”, 160 lbs, average build, with black hair. During her interview, Sgt. Bautista testified that she was in the stationhouse for the duration of her tour. Sgt. Bautista did not recall if she was working in uniform or plainclothes. Sgt. Bautista did not recall working with Lt. Dym and PO Cordero that night, did not recognize a photo of § 87(2)(b) and stated she did not believe she was ever at the incident location.

Requests from PSA7 and in-house IAB for a 250 Report prepared for § 87(2)(b) were returned with negative results. (Board Review 07).

§ 87(2)(b) testified that while he was being searched by Lt. Dym, he looked at PO Cordero and memorized the badge number that was on his uniform. § 87(2)(b) provided PO Cordero’s badge number in his online complaint, which he submitted at 1:38AM, approximately 36 minutes after the initial incident. § 87(2)(b) described PO Cordero as a uniformed white or Hispanic male, 5’11”, 200-230 lbs, in his mid thirties. PO Cordero, who was wearing a uniform at the time of the incident, is a § 87(2)(b) year old Hispanic male, 6’01”, 200 lbs, with brown hair. § 87(2)(b) described the officer who frisked and searched him as a white male wearing plainclothes, 5’9”, 190-200 lbs, muscular build, late 30s, short blondish-brown hair. Lt. Dym, who was wearing plainclothes on the night in question, is a § 87(2)(b) year old white male, 5’10”, 205 lbs, with blonde hair. § 87(2)(b) described the car that the officers arrived in as a unmarked black sedan. The car that Lt. Dym and PO Cordero were in was an unmarked black van.

§ 87(2)(g)

PO Cordero and Lt. Dym generally match the descriptions provided by § 87(2)(b) alleged that Lt. Dym told him that he matched the description of a robbery suspect. Both PO

Cordero and Lt. Dym testified that they were addressing a robbery condition, although the condition was at a specific housing project that the incident location was not part of. Lt. Dym also testified that he had descriptions of suspects on hand. Neither officer recalled Lt. Dym frisking or searching § 87(2)(b) Sgt. Bautista also denied being at the incident location. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- § 87(2)(b)
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- Lieutenant Eric Dym has been a member of service for 14 years and has been a subject in 13 CCRB complaints and 23 allegations, of which one was substantiated.
 - 201114190 involved a substantiated allegation of a frisk against Lt. Dym. The Board recommended Command Discipline and the NYPD declined to prosecute.
 - § 87(2)(g)

Mediation, Criminal, and Civil Histories

- § 87(2)(b) declined to mediate this complaint.
- As of May 24, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (Board Review 08).
- § 87(2)(b)

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date